IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

Bail Appl..No. 5063 of 2007()

PETITIONERS/ACCUSED

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1. VIJAYAN, S/O. THAYILPARAMBIL KOCHUNNERI,
   AGED 72 YEARS, KATTOOR P.O.

2. SATHYABHAMA, W/O. THAYILPARAMBIL
   VIJAYAN, AGED 65 YEARS, KATTOOR P.O.

3. MANOJ I.B., S/O. EYANI BHASKARAN,
   AGED 40 YEARS, KURUMBILAVU VILLAGE,
   THRISSUR TALUK.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM, REPRESENTING THE DEPUTY SUPERINTENDENT
   OF POLICE, IRINJALAKUDA.

2. THE STATION HOUSE OFFICER,
   KATTOOR POLICE STATION.

3. THE STATION HOUSE OFFICER,
   VALAPPAD POLICE STATION.

4. THE STATION HOUSE OFFICER,
   CHERPU POLICE STATION.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 5063 OF 2007

Dated this the 4th day of September, 2007

ORDER

The petitioners are the relatives of one Anish. They being his parents and brother-in-law, apprehend that one Sreeja – wife of Anish, is making allegations of matrimonial cruelty against them. They have come to this Court seeking directions under Sec.438 of the Cr.P.C. The petitioners were not able to precisely specify the police official from whom the arrest is apprehending. No crime has been registered. It has been stated broadly that the apprehension of arrest is by the Deputy Superintendent of Police, Irinjalakuda and the S.H.Os. of Kattoor, Valappad or Cherpu Police Stations.

2. The learned Public Prosecutor, on instructions, submits that though a petition had been received from the father of the said Sreeja by the Deputy Superintendent of

Police, Irinjalakuda, no crime has been registered and there is no intention to arrest the petitioners.

3. The said submissions of the learned Public Prosecutor are taken note of and recorded. The apprehension of the petitioners is thus found to be without any basis whatsoever.

4. This petition is, in these circumstances, dismissed. But it is made clear that if, in future, the petitioners were to be arrested on the allegation raised by the said Sreeja or on her behalf by any other person, the permission of this Court shall be taken by all the respondents before attempting to arrest petitioners 1 to 3.

Sd/-

(R. BASANT, JUDGE)

Nan/

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P.S. to Judge